

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2203
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Homeland Security Improvement Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL COMMISSION TO INVESTIGATE THE TREAT-
MENT OF THE MIGRANT FAMILIES AND CHILDREN BY THE
TRUMP ADMINISTRATION

Sec. 101. Establishment of commission.

Sec. 102. Purposes.

Sec. 103. Composition of the Commission; qualifications.

Sec. 104. Functions of commission.

Sec. 105. Powers of commission.

Sec. 106. Public meetings and release of public version of reports.

Sec. 107. Staff of commission.

Sec. 108. Compensation and travel expenses.

Sec. 109. Security clearances for commission members and staff.

Sec. 110. Reports of commission; termination.

Sec. 111. Funding.

TITLE II—OMBUDSMAN, BORDER COMMUNITY LIAISONS,
TRAINING AND MANAGEMENT

Sec. 201. Establishment of the Office of the Ombudsman for Border and Immi-
gration Related Concerns.

Sec. 202. Establishment of border community stakeholder advisory committee.

Sec. 203. Training and continuing education.

Sec. 204. Body-worn cameras.

Sec. 205. Limitation on the separation of families.

Sec. 206. Prohibition on exceeding 72 hours in short-term detention.

Sec. 207. Electronic tracking.

- Sec. 208. Preventing implementation of anti-asylum access interim final rule; Termination of remain in Mexico protocol and metering policy.
- Sec. 209. Surge support for care of families and unaccompanied children.
- Sec. 210. Port of entry temporary duty assignments.
- Sec. 211. Prohibition on physical restraints for women who are pregnant or post-delivery.

TITLE III—OVERSIGHT

- Sec. 301. GAO report on the extent of CBP activities, operations, and claimed authority.
- Sec. 302. Migrant deaths reporting.
- Sec. 303. Review of the use of force.
- Sec. 304. Accountability and transparency within the border zone.
- Sec. 305. Audit and inspections of detention facilities.

1 **TITLE I—NATIONAL COMMIS-**
2 **SION TO INVESTIGATE THE**
3 **TREATMENT OF THE MI-**
4 **GRANT FAMILIES AND CHIL-**
5 **DREN BY THE TRUMP ADMIN-**
6 **ISTRATION**

7 **SEC. 101. ESTABLISHMENT OF COMMISSION.**

8 There is established in the legislative branch the Na-
9 tional Commission to Investigate the Treatment of Mi-
10 grant Families and Children By the Trump Administra-
11 tion (in this Act referred to as the “Commission”).

12 **SEC. 102. PURPOSES.**

13 The purposes of the Commission are to—

- 14 (1) examine the handling of migrant families
- 15 and children apprehended along the United States-
- 16 Mexico border by U.S. Customs and Border Protec-
- 17 tion since January 2017;

1 (2) ascertain, evaluate, and report on the evi-
2 dence developed by all relevant governmental agen-
3 cies regarding the facts and circumstances sur-
4 rounding the handling by the Departments of Home-
5 land Security and Health and Human Services of
6 migrant families and children who were apprehended
7 at the southern border since January 2017;

8 (3) build upon the investigations of other enti-
9 ties, and avoid unnecessary duplication, by reviewing
10 the findings, conclusions, and recommendations of—

11 (A) Department of Homeland Security Of-
12 fice of Inspector General;

13 (B) Department of Health and Human
14 Services Office of Inspector General; and

15 (C) other executive branch, congressional,
16 or independent investigations into the treatment
17 of and detention conditions for migrant families
18 and children apprehended at the southern bor-
19 der by the Department of Homeland Security
20 since January 2017;

21 (4) make a full and complete accounting of the
22 handling of the migrant families and children appre-
23 hended at the southern border since January 2017;
24 and

1 (5) investigate and report to the President and
2 Congress on its findings, conclusions, and rec-
3 ommendations for corrective measures.

4 **SEC. 103. COMPOSITION OF THE COMMISSION; QUALIFICA-**
5 **TIONS.**

6 (a) MEMBERS.—The Commission shall be composed
7 of 10 members, of whom—

8 (1) one member shall be appointed by the lead-
9 er of the Democratic Party (majority or minority
10 leader, as the case may be) in the House of Rep-
11 resentatives, with the concurrence of the leader of
12 the Democratic party (majority or minority leader as
13 the case may be) in the Senate, who shall serve as
14 chairman of the Commission;

15 (2) two members shall be appointed by the sen-
16 ior member of the leadership of the Democratic
17 party in Senate;

18 (3) three members shall be appointed by the
19 senior member of the leadership of the Republican
20 party in the Senate;

21 (4) three members shall be appointed by the
22 senior member of the leadership of the Democratic
23 party in the House of Representatives; and

1 (5) one member shall be appointed by the sen-
2 ior member of the leadership of the Republican
3 party in of the House of Representatives.

4 (b) QUALIFICATIONS.—Each individual appointed to
5 the Commission shall have expertise and experience in at
6 least one of the following areas:

7 (1) Immigration law, particularly experience
8 representing asylees.

9 (2) Public health.

10 (3) Child welfare.

11 (3) Civil rights.

12 (4) As a representative of a humanitarian orga-
13 nization that gives assistance to individuals crossing
14 the southern border.

15 (5) As a local official from a border community
16 on the southern border of the United States.

17 **SEC. 104. FUNCTIONS OF COMMISSION.**

18 The functions of the Commission are to—

19 (1) investigate the relevant facts and cir-
20 cumstances related to the handling by the Depart-
21 ments of Homeland Security and Health and
22 Human Services of the migrant families and chil-
23 dren apprehended at the southern border since Jan-
24 uary 2017, including any relevant legislation, Execu-

1 tive order, regulation, plan, policy, practice, or pro-
2 cedure;

3 (2) identify, review, and evaluate the lessons
4 learned from the handling by the Departments of
5 Homeland Security and Health and Human Services
6 of the migrant families and children apprehended at
7 the southern border since January 2017, regarding
8 the structure, coordination, management policies,
9 and procedures of the Federal Government, and, if
10 appropriate, State and local governments and non-
11 governmental entities, relative to providing timely,
12 effective and humane treatment of migrant families
13 and unaccompanied alien children seeking asylum in
14 the United States; and

15 (3) submit to the President and Congress such
16 reports as are required by this title containing such
17 findings, conclusions, and recommendations as the
18 Commission shall determine, including proposing or-
19 ganization, coordination, planning, management ar-
20 rangements, procedures, rules, and regulations.

21 **SEC. 105. POWERS OF COMMISSION.**

22 (a) IN GENERAL.—

23 (1) HEARINGS AND EVIDENCE.—The Commis-
24 sion or, on the authority of the Commission, any

1 subcommittee or member thereof, may, for the pur-
2 pose of carrying out this title—

3 (A) hold such hearings and sit and act at
4 such times and places, take such testimony, re-
5 ceive such evidence, administer such oaths; and

6 (B) subject to paragraph (2)(A), require,
7 by subpoena or otherwise, the attendance and
8 testimony of such witnesses and the production
9 of such books, records, correspondence, memo-
10 randa, papers, and documents, as the Commis-
11 sion or such designated subcommittee or des-
12 ignated member may determine advisable.

13 (2) SUBPOENAS.—

14 (A) ISSUANCE.—

15 (i) IN GENERAL.—A subpoena may be
16 issued under this subsection only—

17 (I) by the agreement of the
18 chairman and the vice chairman; or

19 (II) by the affirmative vote of 6
20 members of the Commission.

21 (ii) SIGNATURE.—Subject to clause
22 (i), subpoenas issued under this subsection
23 may be issued under the signature of the
24 chairman or any member designated by a
25 majority of the Commission, and may be

1 served by any person designated by the
2 chairman or by a member designated by a
3 majority of the Commission.

4 (B) ENFORCEMENT.—

5 (i) IN GENERAL.—In the case of con-
6 tumacy or failure to obey a subpoena
7 issued under subsection (a), the United
8 States district court for the judicial district
9 in which the subpoenaed person resides, is
10 served, or may be found, or where the sub-
11 poena is returnable, may issue an order re-
12 quiring such person to appear at any des-
13 ignated place to testify or to produce docu-
14 mentary or other evidence. Any failure to
15 obey the order of the court may be pun-
16 ished by the court as a contempt of that
17 court.

18 (ii) ADDITIONAL ENFORCEMENT.—In
19 the case of any failure of any witness to
20 comply with any subpoena or to testify
21 when summoned under authority of this
22 section, the Commission may, by majority
23 vote, certify a statement of fact consti-
24 tuting such failure to the appropriate
25 United States attorney, who may bring the

1 matter before the grand jury for its action,
2 under the same statutory authority and
3 procedures as if the United States attorney
4 had received a certification under sections
5 102 through 104 of the Revised Statutes
6 of the United States (2 U.S.C. 192
7 through 194).

8 (b) CONTRACTING.—The Commission may, to such
9 extent and in such amounts as are provided in appropria-
10 tion Acts, enter into contracts to enable the Commission
11 to discharge its duties under this title.

12 (c) INFORMATION FROM FEDERAL AGENCIES.—

13 (1) IN GENERAL.—The Commission is author-
14 ized to secure directly from any executive depart-
15 ment, bureau, agency, board, commission, office,
16 independent establishment, or instrumentality of the
17 Government, information, suggestions, estimates,
18 and statistics for the purposes of this title. Each de-
19 partment, bureau, agency, board, commission, office,
20 independent establishment, or instrumentality shall,
21 to the extent authorized by law, furnish such infor-
22 mation, suggestions, estimates, and statistics di-
23 rectly to the Commission, upon request made by the
24 chairman, the chairman of any subcommittee cre-

1 ated by a majority of the Commission, or any mem-
2 ber designated by a majority of the Commission.

3 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
4 SEMINATION.—Information shall only be received,
5 handled, stored, and disseminated by members of
6 the Commission and its staff consistent with all ap-
7 plicable statutes, regulations, and Executive orders.

8 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

9 (1) GENERAL SERVICES ADMINISTRATION.—
10 The Administrator of General Services shall provide
11 to the Commission on a reimbursable basis adminis-
12 trative support and other services for the perform-
13 ance of the Commission's functions.

14 (2) OTHER DEPARTMENTS AND AGENCIES.—In
15 addition to the assistance prescribed in paragraph
16 (1), departments and agencies of the United States
17 may provide to the Commission such services, funds,
18 facilities, staff, and other support services as they
19 may determine advisable and as may be authorized
20 by law.

21 **SEC. 106. PUBLIC MEETINGS AND RELEASE OF PUBLIC**
22 **VERSION OF REPORTS.**

23 (a) PUBLIC MEETINGS AND RELEASE OF PUBLIC
24 VERSIONS OF REPORTS.—The Commission shall—

1 (1) hold public hearings and meetings to the ex-
2 tent appropriate; and

3 (2) release public versions of the reports re-
4 quired under section 110(a) and (b).

5 (b) PUBLIC HEARINGS.—Any public hearings of the
6 Commission shall be conducted in a manner consistent
7 with the protection of information provided to or developed
8 for or by the Commission as required by any applicable
9 statute, regulation, or Executive order.

10 **SEC. 107. STAFF OF COMMISSION.**

11 (a) IN GENERAL.—

12 (1) APPOINTMENT AND COMPENSATION.—The
13 chairman, in consultation with vice chairman, in ac-
14 cordance with rules agreed upon by the Commission,
15 may appoint and fix the compensation of a staff di-
16 rector and such other personnel as may be necessary
17 to enable the Commission to carry out its functions,
18 without regard to the provisions of title 5, United
19 States Code, governing appointments in the competi-
20 tive service, and without regard to the provisions of
21 chapter 51 and subchapter III of chapter 53 of such
22 title relating to classification and General Schedule
23 pay rates, except that no rate of pay fixed under this
24 subsection may exceed the equivalent of that payable

1 for a position at level V of the Executive Schedule
2 under section 5316 of title 5, United States Code.

3 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

4 (A) IN GENERAL.—The executive director
5 and any personnel of the Commission who are
6 employees shall be employees under section
7 2105 of title 5, United States Code, for pur-
8 poses of chapters 63, 81, 83, 84, 85, 87, 89,
9 and 90 of that title.

10 (B) MEMBERS OF COMMISSION.—Subpara-
11 graph (A) shall not be construed to apply to
12 members of the Commission.

13 (b) DETAILEES.—Any Federal Government employee
14 may be detailed to the Commission without reimbursement
15 from the Commission, and such detailee shall retain the
16 rights, status, and privileges of his or her regular employ-
17 ment without interruption.

18 (c) CONSULTANT SERVICES.—The Commission is au-
19 thorized to procure the services of experts and consultants
20 in accordance with section 3109 of title 5, United States
21 Code, but at rates not to exceed the daily rate paid a per-
22 son occupying a position at level IV of the Executive
23 Schedule under section 5315 of title 5, United States
24 Code.

1 **SEC. 108. COMPENSATION AND TRAVEL EXPENSES.**

2 Each member of the Commission may be com-
3 pensated at not to exceed the daily equivalent of the an-
4 nual rate of basic pay in effect for a position at level IV
5 of the Executive Schedule under section 5315 of title 5,
6 United States Code, for each day during which that mem-
7 ber is engaged in the actual performance of the duties of
8 the Commission.

9 **SEC. 109. SECURITY CLEARANCES FOR COMMISSION MEM-**
10 **BERS AND STAFF.**

11 The appropriate Federal agencies or departments
12 shall cooperate with the Commission in expeditiously pro-
13 viding to the Commission members and staff appropriate
14 security clearances to the extent possible pursuant to ex-
15 isting procedures and requirements, except that no person
16 shall be provided with access to classified information
17 under this title without the appropriate security clear-
18 ances.

19 **SEC. 110. REPORTS OF COMMISSION; TERMINATION.**

20 (a) INTERIM REPORTS.—The Commission may sub-
21 mit to the President and Congress interim reports con-
22 taining such findings, conclusions, and recommendations
23 for corrective measures as have been agreed to by a major-
24 ity of Commission members.

25 (b) REPORT.—Not later than 18 months after the
26 date of the enactment of this Act, the Commission shall

1 submit to the President and Congress a final report con-
2 taining such findings, conclusions, and recommendations
3 for corrective measures as have been agreed to by a major-
4 ity of Commission members.

5 (c) TERMINATION.—

6 (1) IN GENERAL.—The Commission, and all the
7 authorities of this title, shall terminate 60 days after
8 the date on which the final report is submitted
9 under subsection (b).

10 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
11 MINATION.—The Commission may use the 60-day
12 period referred to in paragraph (1) for the purpose
13 of concluding its activities, including providing testi-
14 mony to committees of Congress concerning its re-
15 ports and disseminating the final report.

16 **SEC. 111. FUNDING.**

17 (a) IN GENERAL.—There is authorized \$3,000,000
18 for purposes of carrying out the activities of the Commis-
19 sion under this title.

20 (b) DURATION OF AVAILABILITY.—Amounts made
21 available to the Commission under subsection (a) shall re-
22 main available until the termination of the Commission.

1 **TITLE II—OMBUDSMAN, BORDER**
2 **COMMUNITY LIAISONS,**
3 **TRAINING AND MANAGEMENT**

4 **SEC. 201. ESTABLISHMENT OF THE OFFICE OF THE OM-**
5 **BUDSMAN FOR BORDER AND IMMIGRATION**
6 **RELATED CONCERNS.**

7 (a) IN GENERAL.—Subtitle C of title IV of the
8 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
9 is amended by adding at the end the following: new section

10 **“SEC. 437. ESTABLISHMENT OF THE OFFICE OF OMBUDS-**
11 **MAN FOR BORDER AND IMMIGRATION RE-**
12 **LATED CONCERNS.**

13 “(a) IN GENERAL.—The Secretary shall appoint an
14 Ombudsman for Border and Immigration Related Con-
15 cerns (hereinafter referred to as the ‘Ombudsman’), who
16 shall—

17 “(1) be independent of Department agencies
18 and officers;

19 “(2) report directly to the Secretary; and

20 “(3) have a background in immigration, civil
21 rights, and law enforcement.

22 “(b) FUNCTIONS.—The functions of the Ombudsman
23 shall be to—

24 “(1) establish an independent, neutral, and con-
25 fidential process to receive, investigate, resolve, and

1 provide redress, including referral for investigation
2 to the Office of the Inspector General, referral to the
3 Office of Civil Rights and Civil Liberties to inves-
4 tigate complaints and information indicating possible
5 abuses of civil rights or civil liberties, referral to
6 U.S. Citizenship and Immigration Services for immi-
7 gration relief, or any other action determined appro-
8 priate, in cases in which Department employees, or
9 subcontracted or cooperating entity personnel, are
10 alleged to have engaged in misconduct or violated
11 the rights of individuals, associations, or employers;

12 “(2) establish an accessible and standardized
13 complaint process regarding complaints against any
14 employee of U.S. Customs and Border Protection or
15 U.S. Immigration and Customs Enforcement, or any
16 subcontracted or cooperating entity personnel, for
17 violations of law or violations of standards of profes-
18 sional conduct pertaining to interaction with a
19 United States citizen or non-United States citizen in
20 the course of carrying out any duty under law; and

21 “(3) identify and thereafter review, examine,
22 and make recommendations to the Secretary or des-
23 ignee to address chronic concerns in border security
24 and enforcement activities of U.S. Customs and Bor-

1 der Protection and U.S. Immigration and Customs
2 Enforcement.

3 “(c) ANNUAL REPORT.—On an annual basis, starting
4 one year after the date of the enactment of this section,
5 the Secretary shall submit to the Committee on Homeland
6 Security and the Committee on the Judiciary of the House
7 of Representatives and the Committee on Homeland Secu-
8 rity and Governmental Affairs and the Committee on the
9 Judiciary of the Senate a report prepared by the Ombuds-
10 man that provides information regarding the Office of the
11 Ombudsman’s activities for the prior year, including infor-
12 mation relating to the following:

13 “(1) The number of complaints received in the
14 period, with information on each complaint including
15 whether it is against any employee of U.S. Customs
16 and Border Protection or U.S. Immigration and
17 Customs Enforcement, or any subcontracted or co-
18 operating entity personnel, for violations of law or
19 violations of standards of professional conduct per-
20 taining to interaction with a United States citizen or
21 non-United States citizen in the course of carrying
22 out any duty under law, when and where the inci-
23 dent that gave rise to the complaint occurred, in-
24 cluding, where possible, identification of the port of

1 entry, U.S. Border Patrol station, or detention facil-
2 ity where the alleged incident occurred.

3 “(2) The number of investigations commenced
4 or carried out in the period, with information on
5 each investigation including whether it involves any
6 employee of U.S. Customs and Border Protection or
7 U.S. Immigration and Customs Enforcement, or any
8 subcontracted or cooperating entity personnel, for
9 violations of law or violations of standards of profes-
10 sional conduct pertaining to interaction with a
11 United States citizen or non-United States citizen in
12 the course of carrying out any duty under law.

13 “(3) The number of complaints resolved in the
14 period, with information on how each complaint was
15 resolved, including for those complaints that were—

16 “(A) referred for investigation to the Of-
17 fice of the Inspector General;

18 “(B) referred to the Office of Civil Rights
19 and Civil Liberties;

20 “(C) referred to U.S. Citizenship and Im-
21 migration Services for immigration relief; and

22 “(D) resolved in some other manner.

23 “(4) Findings and recommendations for the pe-
24 riod that address chronic concerns in border security
25 and enforcement activities of U.S. Customs and Bor-

1 der Protection and U.S. Immigration and Customs
2 Enforcement, including the impact of such activities
3 on border communities and the civil rights, property
4 rights, privacy rights, and civil liberties of residents
5 of such communities.

6 “(5) Any actions taken by the Department to
7 implement recommendations that address chronic
8 concerns in border security and enforcement activi-
9 ties.

10 “(d) PUBLICATION.—Not later than 30 days after re-
11 ceiving the annual report required pursuant to subsection
12 (c), the Secretary shall publish the annual report on the
13 website of the Department and in the Federal Register,
14 together with any feedback from the Secretary regarding
15 the report.

16 “(e) CONFIDENTIALITY.—In the absence of the writ-
17 ten consent of an individual who submits a complaint, the
18 Ombudsman shall keep confidential the identity of and
19 any identifying information relating to that individual.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of the Homeland Security Act of 2002 is
22 amended by striking the items relating to sections 435 and
23 436 and inserting the following new items:

“Sec. 435. Maritime operations coordination plan.

“Sec. 436. Maritime security capabilities assessments.

“Sec. 437. Establishment of the Office of Ombudsman for Border and Immigra-
tion Related Concerns.”.

1 **SEC. 202. ESTABLISHMENT OF BORDER COMMUNITY**
2 **STAKEHOLDER ADVISORY COMMITTEE.**

3 (a) IN GENERAL.—Subtitle C of title IV of the
4 Homeland Security Act of 2002, as amended by section
5 201 of this Act, is further amended by adding at the end
6 the following new section:

7 **“SEC. 438. ESTABLISHMENT OF BORDER COMMUNITY**
8 **STAKEHOLDER ADVISORY COMMITTEE.**

9 “(a) ESTABLISHMENT.—The Secretary shall estab-
10 lish within the Department a border community stake-
11 holders advisory committee pursuant to section 871 of this
12 Act.

13 “(b) DUTIES.—

14 “(1) IN GENERAL.—The Secretary shall consult
15 with the Advisory Committee, as appropriate, on
16 border security and immigration enforcement mat-
17 ters, including on the development, refinement, and
18 implementation of policies, protocols, programs, and
19 rulemaking pertaining to border security and immi-
20 gration enforcement that may impact border commu-
21 nities.

22 “(2) RECOMMENDATIONS.—The Advisory Com-
23 mittee shall develop, at the request of the Secretary,
24 recommendations regarding policies, protocols, pro-
25 grams and rulemaking pertaining to border security

1 and immigration enforcement that may impact bor-
2 der communities.

3 “(3) PERIODIC REPORTS.—The Advisory Com-
4 mittee shall periodically submit to the Secretary—

5 “(A) reports on matters identified by the
6 Secretary; and

7 “(B) reports on other matters identified by
8 a majority of the members of the Advisory
9 Committee.

10 “(4) ANNUAL REPORT.—The Advisory Com-
11 mittee shall submit to the Secretary an annual re-
12 port providing information on the activities, findings,
13 and recommendations of the Advisory Committee,
14 including its subcommittees, for the preceding year.
15 Not later than six months after the date on which
16 the Secretary receives the annual report, the Sec-
17 retary shall publish a public version describing the
18 Advisory Committee’s activities and such related
19 matters as would be informative to the public, con-
20 sistent with section 552(b) of title 5, United States
21 Code.

22 “(5) FEEDBACK.—Not later than 90 days after
23 receiving recommendations transmitted by the Advi-
24 sory Committee under paragraph (4), the Secretary
25 shall respond in writing to the Advisory Committee

1 with feedback on each of the recommendations, an
2 action plan to implement any of the recommenda-
3 tions with which the Secretary concurs, and a jus-
4 tification for why any of the recommendations have
5 been rejected.

6 “(6) CONGRESSIONAL NOTIFICATION.—Not
7 later than 30 days after providing written feedback
8 to the Advisory Committee under paragraph (5), the
9 Secretary shall notify the Committee on Homeland
10 Security of the House of Representatives and the
11 Committee on Homeland Security and Governmental
12 Affairs of the Senate on such feedback, and provide
13 a briefing upon request.

14 “(7) REPORT TO CONGRESS.—Prior to briefing
15 the Committee on Homeland Security of the House
16 of Representatives and the Committee on Homeland
17 Security and Governmental Affairs of the Senate
18 under paragraph (6), the Secretary shall submit to
19 such committees a report containing information re-
20 lating to the recommendations transmitted by the
21 Advisory Committee in accordance with paragraph
22 (4).

23 “(c) MEMBERSHIP.—

24 “(1) APPOINTMENT.—

1 “(A) IN GENERAL.—Not later than 90
2 days after the date of enactment of this section,
3 the Secretary shall appoint the members of the
4 Advisory Committee.

5 “(B) COMPOSITION.—The membership of
6 the Advisory Committee shall consist of a bor-
7 der community stakeholder from each of the
8 nine U.S. Border Patrol sectors and three indi-
9 viduals with significant expertise and experience
10 in immigration law, civil rights, and civil lib-
11 erties, particularly as relates to interests of
12 residents of border communities.

13 “(2) TERM OF OFFICE.—

14 “(A) TERMS.—The term of each member
15 of the Advisory Committee shall be two years.
16 A member of the Advisory Committee may be
17 reappointed.

18 “(B) REMOVAL.—The Secretary may re-
19 view the participation of a member of the Advi-
20 sory Committee and remove such member for
21 cause at any time.

22 “(3) PROHIBITION ON COMPENSATION.—The
23 members of the Advisory Committee shall not re-
24 ceive pay, allowances, or benefits from the Govern-

1 ment by reason of their service on the Advisory
2 Committee.

3 “(4) MEETINGS.—

4 “(A) IN GENERAL.—The Secretary shall
5 require the Advisory Committee to meet at least
6 semiannually and may convene additional meet-
7 ings as necessary.

8 “(B) PUBLIC MEETINGS.—At least one of
9 the meetings described in subparagraph (A)
10 shall be within a Border Patrol sector and open
11 to the public.

12 “(C) ATTENDANCE.—The Advisory Com-
13 mittee shall maintain a record of the persons
14 present at each meeting.

15 “(5) MEMBER ACCESS TO SENSITIVE SECURITY
16 INFORMATION.—Not later than 60 days after the
17 date of a member’s appointment, the Secretary shall
18 determine if there is cause for the member to be re-
19 stricted from possessing sensitive security informa-
20 tion. Without such cause, and upon the member vol-
21 untarily signing a non-disclosure agreement, the
22 member may be granted access to sensitive security
23 information that is relevant to the member’s advi-
24 sory duties. The member shall protect the sensitive

1 security information in accordance with part 1520 of
2 title 49, Code of Federal Regulations.

3 “(6) CHAIRPERSON.—A stakeholder representa-
4 tive on the Advisory Committee who is elected by the
5 appointed membership of the Advisory Committee
6 shall chair the Advisory Committee.

7 “(d) NONAPPLICABILITY OF FACA.—The Federal
8 Advisory Committee Act (5 U.S.C. App.) shall not apply
9 to the Advisory Committee and its subcommittees.

10 “(e) DEFINITIONS.—In this section:

11 “(1) ADVISORY COMMITTEE.—The term ‘Advi-
12 sory Committee’ means the border community stake-
13 holder advisory committee established under sub-
14 section (a).

15 “(2) BORDER COMMUNITY STAKEHOLDER.—
16 The term ‘border community stakeholder’ means in-
17 dividuals who have ownership interests or reside in
18 the land borders of the United States and who have
19 not publicly taken positions on the Trump Adminis-
20 tration’s border security and immigration enforce-
21 ment actions, including—

22 “(A) a landowner within 10 miles of a land
23 border of the United States;

1 “(B) a business leader in a company oper-
2 ating within 10 miles of a land border of the
3 United States;

4 “(C) a local official from a community on
5 a land border of the United States; and

6 “(D) a representative of Indian tribes on a
7 land border of the United States.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of the Homeland Security Act of 2002, as
10 amended by section 201 of this Act, is further amended
11 by inserting after the item relating to section 437 the fol-
12 lowing new item:

 “Sec. 438. Establishment of Border Community Stakeholder Advisory Com-
 mittee.”.

13 **SEC. 203. TRAINING AND CONTINUING EDUCATION.**

14 (a) MANDATORY TRAINING AND CONTINUING EDU-
15 CATION TO PROMOTE CBP AGENT AND OFFICER SAFETY
16 AND PROFESSIONALISM.—The Secretary of Homeland Se-
17 curity shall establish policies and guidelines to ensure that
18 every agent and officer of U.S. Customs and Border Pro-
19 tection and U.S. Immigration and Customs Enforcement
20 receives a minimum of 20 weeks of training upon
21 onboarding that is directly related to the mission and 40
22 hours of training and continuing education annually there-
23 after, to include personnel in a supervisory or management
24 position. Such training shall include training provided by

1 attorneys outside of the Department of Homeland Secu-
2 rity.

3 (b) CURRICULUM.—The Secretary of Homeland Se-
4 curity shall establish policies and guidelines governing
5 training and continuing education of agents and officers
6 of U.S. Customs and Border Protection and U.S. Immi-
7 gration and Customs Enforcement regarding account-
8 ability, standards for professional and ethical conduct, and
9 oversight. Such training shall address the following:

10 (1) Community relations, including the fol-
11 lowing:

12 (A) Best practices in community policing,
13 cultural awareness, and carrying out enforce-
14 ment actions near sensitive locations such as
15 places of worship or religious ceremony, school
16 or education-related place or event, courthouse
17 or other civic building providing services acces-
18 sible to the public, hospital, medical treatment,
19 or health care facility, a public demonstration,
20 or an attorney's office, including a public de-
21 fender or legal aid office.

22 (B) Policies limiting location of enforce-
23 ment and cooperation with local law enforce-
24 ment.

1 (C) Best practices in responding to griev-
2 ances and how to refer complaints to the Om-
3 budsman for Border and Immigration Related
4 Concerns in accordance with section 437 of the
5 Homeland Security Act of 2002, as added by
6 section 201 of this Act.

7 (2) Interaction with vulnerable populations, in-
8 cluding instruction on screening, identifying, and re-
9 sponding to vulnerable populations, such as children,
10 victims of human trafficking, and the acutely ill.

11 (3) Standards of professional and ethical con-
12 duct, including the following:

13 (A) Lawful use of force, de-escalation tac-
14 tics, and alternatives to the use of force.

15 (B) Complying with chain of command and
16 lawful orders.

17 (C) Conduct and ethical behavior toward
18 the public in a civil and professional manner.

19 (D) Civil rights and legal protections.

20 (E) Non-racially biased questioning.

21 (F) De-escalation tactics and alternatives
22 to use of force.

23 (G) Permissible and impermissible social
24 media activity.

1 (c) PERFORMANCE REVIEW PROCESS.—The Sec-
2 retary of Homeland Security shall establish a review proc-
3 ess to ensure that port supervisors and managers of U.S.
4 Customs and Border Protection and U.S. Immigration
5 and Customs Enforcement, as the case may be, are evalu-
6 ated annually on their actions and standards of conduct,
7 and on the actions, situational and educational develop-
8 ment, and standards of conduct of their staffs.

9 (d) CONTINUING EDUCATION.—

10 (1) IN GENERAL.—The Secretary of Homeland
11 Security shall annually require all agents and offi-
12 cers of U.S. Customs and Border Protection and
13 U.S. Immigration and Customs Enforcement who
14 are required to undergo training under subsections
15 (a) through (c) to participate in continuing edu-
16 cation to maintain and update understanding of
17 Federal legal rulings, court decisions, and Depart-
18 ment of Homeland Security policies, procedures, and
19 guidelines related to the subject matters described in
20 such subsections.

21 (2) CONSTITUTIONAL AUTHORITY SUBJECT
22 MATTER.—Continuing education under this sub-
23 section shall include a course on protecting the civil,
24 constitutional, human, and privacy rights of individ-
25 uals, with special emphasis on the scope of enforce-

1 ment authority, including chain of evidence practices
2 and document seizure, and use of force policies
3 available to agents and officers.

4 (3) **ADDITIONAL SUBJECT MATTERS.**—Con-
5 tinuing education under this subsection shall also in-
6 clude a course on the following:

7 (A) Scope of authority to conduct immigra-
8 tion enforcement activities, including interviews,
9 interrogations, stops, searches, arrests, and de-
10 tentions, in addition to identifying and detect-
11 ing fraudulent documents.

12 (B) Identifying, screening, and responsi-
13 bility for vulnerable populations, such as chil-
14 dren and victims of trafficking.

15 (C) Permissible and impermissible social
16 media activity.

17 (4) **ADMINISTRATION.**—Courses offered as part
18 of continuing education under this subsection shall
19 be administered by the Federal Law Enforcement
20 Training Centers.

21 (e) **TRAINING ASSESSMENT.**—Not later than three
22 years after the date of the enactment of this Act, the
23 Comptroller General of the United States shall submit to
24 the Committee on Homeland Security of the House of
25 Representatives and the Committee on Homeland Security

1 and Governmental Affairs of the Senate a report that as-
2 sesses the training and education, including continuing
3 education, required under this section as well as its imple-
4 mentation.

5 **SEC. 204. BODY-WORN CAMERAS.**

6 (a) REQUIREMENT.—Not later than 60 days after the
7 date of enactment of this Act, the Secretary of Homeland
8 Security, shall submit to the Committees on Homeland Se-
9 curity and Judiciary of the House of Representatives and
10 the Committees on Homeland Security and Governmental
11 Affairs and Judiciary of the Senate a plan for requiring
12 not later than one year after such date of enactment the
13 use of body-worn cameras by U.S. Border Patrol agents
14 and U.S. Immigration and Customs Enforcement officers
15 whenever engaged in border security or immigration en-
16 forcement activities.

17 (b) ELEMENTS.—The plan shall include the fol-
18 lowing:

19 (1) Benchmarks for implementation within U.S.
20 Customs and Border Protection and U.S. Immigra-
21 tion and Customs Enforcement.

22 (2) Policies, procedures, and training modules
23 for the use of body-worn cameras by agents and offi-
24 cers, including training modules relating to the ap-

1 appropriate use of such cameras and adverse action for
2 non-compliance.

3 (3) Mechanisms for enforcement of body-worn
4 camera policies and procedures by agents and offi-
5 cers within U.S. Customs and Border Protection and
6 U.S. Immigration and Customs Enforcement.

7 **SEC. 205. LIMITATION ON THE SEPARATION OF FAMILIES.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, a child may not be removed from a parent,
10 legal guardian, or family member of such child, at or near
11 the port of entry or within 100 miles of a border of the
12 United States, unless one of the following has occurred:

13 (1) A State court, authorized under State law,
14 terminates the rights of the parent or legal guard-
15 ian, determines that it is in the best interests of the
16 child to be removed from the parent or legal guard-
17 ian, in accordance with the Adoption and Safe Fam-
18 ilies Act of 1997 (Public Law 105–89), or makes
19 any similar determination that is legally authorized
20 under State law.

21 (2) An official from the State or county child
22 welfare agency with expertise in child trauma and
23 development makes a best interests determination
24 that it is in the best interests of the child to be re-
25 moved from the parent, legal guardian, or family

1 member because the child is in danger of abuse or
2 neglect at the hands of the parent, legal guardian,
3 or family member or is a danger to herself or others.

4 (b) PROHIBITION ON SEPARATION.—

5 (1) IN GENERAL.—A designated agency may
6 not remove a child from a parent, legal guardian, or
7 family member solely for the policy goal of deterring
8 individuals from migrating to the United States or
9 for the policy goal of promoting compliance with civil
10 immigration laws.

11 (2) PENALTY FOR FAMILY SEPARATION.—Any
12 person who knowingly separates a child from his or
13 her parent, legal guardian, or family member in vio-
14 lation of this section, shall be fined not more than
15 \$10,000.

16 (c) FAMILY MEMBER DEFINED.—For purposes of
17 this section, the term “family member” means an indi-
18 vidual who is any of the following:

19 (1) A parent or legal guardian.

20 (2) A spouse.

21 (3) A child.

22 (4) A step-family member.

23 (5) An immediate family member, to include
24 adult siblings.

1 (6) An extended family member, to include
2 aunts, uncles, adult cousins, and grandparents.

3 **SEC. 206. PROHIBITION ON EXCEEDING 72 HOURS IN**
4 **SHORT-TERM DETENTION.**

5 Notwithstanding any other provision of law, the Sec-
6 retary of Homeland Security shall ensure that each indi-
7 vidual apprehended by U.S. Customs and Border Protec-
8 tion is released, paroled, or transferred to an appropriate
9 long-term facility operated by a non-profit organization,
10 U.S. Immigration and Customs Enforcement, or the De-
11 partment of Health and Human Services not later than
12 72 hours after such apprehension absent an exigent cir-
13 cumstance that is beyond the Secretary's control, such as
14 a natural disaster. The Secretary shall inform the Com-
15 mittees on Homeland Security and the Judiciary of the
16 House of Representatives and Committees on Homeland
17 Security and Governmental Affairs and the Judiciary of
18 the Senate within three days of the Secretary determining
19 such an exigent circumstance exists, and provide informa-
20 tion on when the impacted individuals will be so released,
21 paroled, or transferred.

22 **SEC. 207. ELECTRONIC TRACKING.**

23 (a) ESTABLISHMENT.—The Secretary of Homeland
24 Security and the Secretary of Health and Human Services

1 shall establish an electronic tracking system on a single
2 interface, which shall be—

3 (1) accessible to agents and officials of U.S.
4 Customs and Border Protection, U.S. Immigration
5 and Customs Enforcement, and the Office of Ref-
6 ugee Resettlement; and

7 (2) used to track the location of a child who has
8 been separated under section 205 and the parent or
9 legal guardian of the child.

10 (b) TRACKING NUMBER.—The Secretary of Home-
11 land Security shall assign to a child who has been sepa-
12 rated under section 205 and the parent or legal guardian
13 of the child a tracking number that—

14 (1) is transferrable;

15 (2) may be shared easily on the electronic
16 tracking system described in subsection (a) by
17 agents and officials of—

18 (A) U.S. Customs and Border Protection;

19 (B) U.S. Immigration and Customs En-
20 forcement; and

21 (C) the Office of Refugee Resettlement;

22 and

23 (3) is included on the paperwork of the child
24 and the parent or legal guardian of the child.

1 (c) CONTACT INFORMATION.—The Secretary of
2 Homeland Security and the Secretary of Health and
3 Human Services shall advise a child who has been sepa-
4 rated under section 205 and the parent or legal guardian
5 of the child on the manner in which the child and the par-
6 ent or legal guardian may be contacted during the term
7 of the separation .

8 **SEC. 208. PREVENTING IMPLEMENTATION OF ANTI-ASYLUM**
9 **ACCESS INTERIM FINAL RULE; TERMINATION**
10 **OF REMAIN IN MEXICO PROTOCOL AND ME-**
11 **TERING POLICY.**

12 (a) PREVENTION OF IMPLEMENTATION OF ANTI-ASY-
13 LUM ACCESS RULE.—Notwithstanding any other provi-
14 sion of law, the joint interim final rule published in the
15 Federal Register on July 16, 2019, by the Secretary of
16 Homeland Security and Attorney General that would re-
17 strict eligibility for aliens seeking asylum in the United
18 States may not be implemented, enforced, or otherwise
19 carried out by the Secretary or the Attorney General.

20 (b) MPP AND METERING TERMINATION.—Not later
21 than 30 days after enactment of this Act, the following
22 shall terminate:

23 (1) The Migrant Protection Protocols that were
24 announced by the Secretary of Homeland Security
25 on December 20, 2018, any subsequent revisions to

1 such protocols, or any successor protocols in which
2 certain individuals seeking asylum in the United
3 States are required to wait outside of the United
4 States for the duration of their immigration pro-
5 ceedings.

6 (2) The U.S. Customs and Border Protection
7 metering policy to regulate the flow of asylum seek-
8 ers at ports of entry by denying asylum seekers ac-
9 cess to ports of entry or any successor policy that
10 impedes access to ports of entry.

11 (c) ADDITIONAL CAPACITY AT PORTS OF ENTRY.—
12 For the purposes of increasing processing capacity at
13 ports of entry, the Commissioner of U.S. Customs and
14 Border Protection shall every fiscal year hire, train, and
15 assign not fewer than 600 new officers above the level as
16 of September 30 of the immediately preceding fiscal year
17 until the total number of such officers equals the require-
18 ments identified each year in the Workload Staffing Model
19 developed by the Commissioner.

20 (d) PROHIBITION ON CERTAIN INTERVIEWS.—No
21 personnel employed by U.S. Customs and Border Protec-
22 tion may carry out credible fear interviews pursuant to
23 the Immigration and Nationality Act.

24 (e) OFFICE OF PROFESSIONAL RESPONSIBILITY.—
25 The Commissioner of U.S. Customs and Border Protec-

1 tion shall every fiscal year hire, train, and assign 30 new
2 full-time investigators within the Office of Professional
3 Responsibility of U.S. Customs and Border Protection
4 until the total number of investigators enables the Office
5 to fulfill its mission proportionate to the number of new
6 personnel hired in accordance with subsection (c).

7 (f) TRAFFIC FORECASTS.—In calculating the number
8 of Office of Field Operations officers needed at each port
9 of entry through the Workload Staffing Model, the Office
10 of Field Operations shall—

11 (1) rely on data collected regarding the inspec-
12 tions and other activities conducted at each such
13 port of entry; and

14 (2) consider volume associated with the increase
15 in the volume of individuals from El Salvador, Gua-
16 temala, and Honduras seeking asylum in the United
17 States and seasonal surges, other projected changes
18 in commercial and passenger volumes, the most cur-
19 rent commercial forecasts, and other relevant infor-
20 mation.

21 (g) AMENDMENT.—Subparagraph (A) of section
22 411(g)(5) of the Homeland Security Act of 2002 (6
23 U.S.C. 211(g)(5)) is amended—

24 (1) by striking “model” and inserting “mod-
25 els”; and

1 (2) by inserting before the period at the end the
2 following: “, and information concerning the
3 progress made toward meeting officer hiring targets,
4 while accounting for attrition”.

5 **SEC. 209. SURGE SUPPORT FOR CARE OF FAMILIES AND**
6 **UNACCOMPANIED CHILDREN.**

7 (a) **IN GENERAL.**—Not later than 60 days after the
8 date of the enactment of this Act, the Secretary of Home-
9 land Security shall enter into memoranda of under-
10 standing with appropriate Federal agencies and applicable
11 emergency government relief services, and contracts with
12 State-licensed, vetted, and qualified contractors with
13 health care, public health, social work, and transportation
14 professionals, for purposes of providing care for individ-
15 uals, including unaccompanied alien children, apprehended
16 at the southern border during the period of increased vol-
17 ume since January 2017.

18 (b) **STRATEGIC DEPLOYMENT.**—The Secretary of
19 Homeland Security shall ensure that the memoranda of
20 understanding and contracts entered into pursuant to sub-
21 section (a) ensure core capacity within the Department of
22 Homeland Security to provide adequate care to individuals
23 in short-term detention that includes physicians special-
24 izing in pediatrics, family medicine, emergency medicine,
25 obstetrics and gynecology, geriatric medicine, internal

1 medicine, and infectious diseases, nurse practitioners,
2 other nurses, physician assistants, licensed social workers,
3 mental health professionals, public health professionals,
4 and dieticians.

5 (c) PROCESSING COORDINATOR.—The Commissioner
6 of U.S. Customs and Border Protection may, on a case-
7 by-case basis, hire and train a processing coordinator to
8 operate within U.S. Border Patrol station to—

9 (1) facilitate the provision of services pursuant
10 to a memorandum of understanding or contract en-
11 tered into pursuant to subsection (a) within a U.S.
12 Border Patrol station;

13 (2) perform administrative tasks related to the
14 intake and processing of individuals apprehend by
15 U.S. Border Patrol agents, where necessary;

16 (3) transport individuals in U.S. Border Patrol
17 custody, where necessary; and

18 (4) perform custodial watch duties of individ-
19 uals in such custody who have been admitted to a
20 hospital, except that neither the coordinator nor a
21 U.S. Border Patrol agent may be physically present
22 in a hospital room of such an individual.

23 (d) MONTHLY REPORTS.—Not later than 90 days
24 after the date of the enactment of this Act, the Secretary
25 of Homeland Security shall submit to the Committee on

1 Homeland Security of the House of Representatives and
2 the Committee on Homeland Security and Governmental
3 Affairs of the Senate a monthly report on the memoranda
4 of understanding and contracts entered into pursuant to
5 subsection (a) as of such date, together with the following:

6 (1) Information on the deployment of physi-
7 cians specializing in pediatrics, family medicine,
8 emergency medicine, obstetrics and gynecology, geri-
9 atric medicine, internal medicine, and infectious dis-
10 eases;, nurse practitioners, other nurses, physician
11 assistants, licensed social workers, mental health
12 professionals, public health professionals, and dieti-
13 cians within each U.S. Border Patrol sector.

14 (2) For each U.S. Border Patrol sector, the de-
15 gree to which responsibilities have been transferred
16 from Department of Homeland Security personnel,
17 particularly law enforcement personnel, for the pro-
18 vision of care of migrant families and unaccom-
19 panied alien children apprehended at the southern
20 border of the United States to personnel under a
21 memorandum of understanding or contract.

22 **SEC. 210. PORT OF ENTRY TEMPORARY DUTY ASSIGN-**
23 **MENTS.**

24 (a) **QUARTERLY REPORT.**—Not later than 60 days
25 after the date of the enactment of this Act and quarterly

1 thereafter, the Commissioner of U.S. Customs and Border
2 Protection shall submit to the appropriate congressional
3 committees a report that includes, for each such reporting
4 period, the following:

5 (1) The number of temporary duty assignments
6 of U.S. Customs and Border Protection officers and
7 support personnel from a port of entry to a tem-
8 porary duty assignment in response to the Northern
9 Triangle Migrant Surge.

10 (2) The ports of entry from which such employ-
11 ees were reassigned.

12 (3) The ports of entry to which such employees
13 were reassigned.

14 (4) The ports of entry at which reimbursable
15 service agreements have been entered into that may
16 be affected by such temporary duty assignments.

17 (5) The duration of each temporary duty as-
18 signment.

19 (6) The specific duties personnel will be under-
20 taking during each temporary duty assignment.

21 (7) The cost of each temporary duty assign-
22 ment.

23 (b) NOTICE.—Not later than 10 days before rede-
24 ploying employees from one port of entry to another in

1 response to the Northern Triangle Migrant Surge, absent
2 emergency circumstances—

3 (1) the Commissioner of U.S. Customs and
4 Border Protection shall notify the director of the
5 port of entry from which employees will be reas-
6 signed of the intended redeployments; and

7 (2) the port director shall notify impacted facili-
8 ties (including airports, seaports, and land ports) of
9 the intended redeployments.

10 (c) **WORKFORCE BRIEFING.**—The Commissioner of
11 U.S. Customs and Border Protection shall brief all af-
12 fected U.S. Customs and Border Protection employees re-
13 garding plans to mitigate vulnerabilities created by any
14 planned staffing reductions at ports of entry.

15 **SEC. 211. PROHIBITION ON PHYSICAL RESTRAINTS FOR**
16 **WOMEN WHO ARE PREGNANT OR POST-DE-**
17 **LIVERY.**

18 (a) **IN GENERAL.**—Except as provided in subsection
19 (b), no officer or agent of the U.S. Customs and Border
20 Protection or Immigration and Customs Enforcement may
21 place physical restraints on a woman in the custody of
22 the Department of Homeland Security (including during
23 transport, in a detention facility, or at an outside medical
24 facility) who is pregnant or in post-delivery recuperation.

1 (b) EXCEPTION.—Subsection (a) shall not apply with
2 respect to a pregnant woman if—

3 (1) a supervisory official of the Department of
4 Homeland Security makes an individualized deter-
5 mination that the woman—

6 (A) is a serious flight risk, and such risk
7 cannot be prevented by other means; or

8 (B) poses an immediate and serious threat
9 to harm herself or others that cannot be pre-
10 vented by other means; or

11 (2) a medical professional responsible for the
12 care of the pregnant woman determines that the use
13 of therapeutic restraints is appropriate for the med-
14 ical safety of the woman.

15 (c) LIMITATIONS.—If a pregnant woman is re-
16 strained pursuant to subsection (b), only the safest and
17 least restrictive restraints, as determined by the appro-
18 priate medical professional treating the woman, may be
19 used. In no case may restraints be used on a woman who
20 is in active labor or delivery, and in no case may a preg-
21 nant woman be restrained in a face-down position with
22 four-point restraints, on her back, or in a restraint belt
23 that constricts the area of the pregnancy. A pregnant
24 woman who is immobilized by restraints shall be posi-
25 tioned, to the maximum extent feasible, on her left side.

1 (d) RECORDKEEPING.—If a pregnant woman is re-
2 strained pursuant to subsection (b), the supervisory offi-
3 cial of the Department of Homeland Security shall docu-
4 ment the basis for an individualized determination that
5 restraints should be used in the Departmental records
6 maintained on that woman.

7 **TITLE III—OVERSIGHT**

8 **SEC. 301. GAO REPORT ON THE EXTENT OF CBP ACTIVI-** 9 **TIES, OPERATIONS, AND CLAIMED AUTHOR-** 10 **ITY.**

11 Not later than one year after the date of the enact-
12 ment of this subsection, the Comptroller General of the
13 United States shall submit to the Committee on Homeland
14 Security and the Committee on the Judiciary of the House
15 of Representatives and the Committee on Homeland Secu-
16 rity and Governmental Affairs and the Committee on the
17 Judiciary of the Senate a report that assesses the fol-
18 lowing issues:

19 (1) How far into the United States interior the
20 current activities, operations (including checkpoints),
21 and claimed authority of U.S. Customs and Border
22 Protection extend.

23 (2) The extent to which the area of activities,
24 operations, and claimed authority referred to in
25 paragraph (1) is necessary.

1 (3) The effectiveness of U.S. Customs and Bor-
2 der Protection's interior enforcement and its impact
3 on civil, constitutional, and private property rights.

4 **SEC. 302. MIGRANT DEATHS REPORTING.**

5 (a) IMMEDIATE REPORTS.—Not later than 24 hours
6 after a migrant death, the Secretary of Homeland Security
7 shall report such death to the Committees on Homeland
8 Security and Judiciary of the House of Representatives
9 and the Committees on Homeland Security and Govern-
10 mental Affairs and Judiciary of the Senate.

11 (b) ANNUAL REPORT ON MIGRANT DEATHS.—Not
12 later than 180 days after the date of the enactment of
13 this Act and annually thereafter, the Commissioner of
14 U.S. Customs and Border Protection and the Director of
15 U.S. Immigration and Customs Enforcement shall jointly
16 submit to the Comptroller General of the United States,
17 the Committees on Homeland Security and Judiciary of
18 the House of Representatives, and the Committees on
19 Homeland Security and Governmental Affairs and Judici-
20 ary of the Senate a report on migrant deaths that occurred
21 in the preceding year along the United States-Mexico bor-
22 der, including information on the following:

23 (1) The total number of documented migrant
24 deaths within the preceding year of the report.

1 (2) A geographical breakdown of where such
2 migrant deaths occur.

3 (3) To the extent possible, the cause of death
4 for each migrant.

5 (4) A detailed description of U.S. Customs and
6 Border Protection and U.S. Immigration and Customs
7 Enforcement programs or plans to reduce the
8 number of migrant deaths along the border, including
9 an assessment on the effectiveness of water supply
10 sites and rescue beacons.

11 (5) Criteria and methodology for collecting such
12 data within each sector.

13 (c) GAO REPORT ON MIGRANT DEATHS.—Not later
14 than one year after the submission of the first report re-
15 quired under subsection (a), the Comptroller General of
16 the United States shall publish a review on the extent to
17 which U.S. Customs and Border Protection and U.S. Im-
18 migration and Customs Enforcement have—

19 (1) adopted measures, such as programs or
20 plans, to reduce migrants deaths;

21 (2) the effectiveness of its efforts to reduce mi-
22 grant deaths; and

23 (3) collected data and information sharing as
24 well as cooperation between U.S. Customs and Bor-
25 der Protection, U.S. Immigration and Customs En-

1 enforcement, local and State law enforcement, foreign
2 diplomatic and consular posts, and nongovernmental
3 organizations to accurately identify deceased individ-
4 uals and notify family members and compare infor-
5 mation to missing persons registries.

6 **SEC. 303. REVIEW OF THE USE OF FORCE.**

7 Not later than one year after the date of the enact-
8 ment of this Act, the Comptroller General of the United
9 States shall examine the extent to which U.S. Customs
10 and Border Protection and U.S. Immigration and Cus-
11 toms Enforcement have trained their workforces regarding
12 use of force policies, including the following (and any rec-
13 ommendations related to the following):

14 (1) Implementation of new training to improve
15 use of force policies, including how the use of force
16 policy conforms to Department of Homeland Secu-
17 rity and Federal law enforcement best practices.

18 (2) Identified additional or alternative weapons
19 and equipment to improve agents' and officers' abili-
20 ties to de-escalate confrontations, including protec-
21 tive gear.

22 (3) Established metrics to track the effective-
23 ness of use of force training and to ensure the re-
24 porting of all incidents of use of force to determine
25 whether such force was justified.

1 **SEC. 304. ACCOUNTABILITY AND TRANSPARENCY WITHIN**
2 **THE BORDER ZONE.**

3 (a) DEFINITIONS.—In this section:

4 (1) BORDER SECURITY.—The term “border se-
5 curity” means the prevention of unlawful entries
6 into the United States, including entries by individ-
7 uals, instruments of terrorism, narcotics, and other
8 contraband.

9 (2) BORDER ZONE.—The term “border zone”
10 means the 100-mile of land from a United States
11 international land and coastal border into the inte-
12 rior of the United States, as established by Federal
13 regulation in 1953.

14 (3) CHECKPOINT.—The term “checkpoint”
15 means a location—

16 (A) at which vehicles or individuals trav-
17 eling through the location are stopped by a law
18 enforcement official for the purposes of enforce-
19 ment of United States laws and regulations;
20 and

21 (B) that is not located at a port of entry
22 along an international border of the United
23 States.

24 (4) LAW ENFORCEMENT OFFICIAL.—The term
25 “law enforcement official” means—

1 (A) an agent or officer of U.S. Customs
2 and Border Protection;

3 (B) an agent or officer of U.S. Immigra-
4 tion and Customs Enforcement; or

5 (C) an officer or employee of a State, or a
6 political subdivision of a State, who is carrying
7 out the functions of an immigration officer pur-
8 suant to—

9 (i) an agreement entered into under
10 section 287(g) of the Immigration and Na-
11 tionality Act (8 U.S.C. 1357(g));

12 (ii) authorization under title IV of the
13 Tariff Act of 1930 (19 U.S.C. 1401 et
14 seq.); or

15 (iii) any other agreement with the De-
16 partment of Homeland Security, including
17 any Federal grant program.

18 (5) PATROL STOP.—The term “patrol stop”
19 means search, seizure, or interrogation of a motor-
20 ist, passenger, or pedestrian initiated anywhere ex-
21 cept as part of an inspection at a port of entry or
22 a primary inspection at a checkpoint.

23 (6) PRIMARY INSPECTION.—The term “primary
24 inspection” means an initial inspection of a vehicle
25 or individual at a checkpoint.

1 (7) SECONDARY INSPECTION.—The term “sec-
2 ondary inspection” means a further inspection of a
3 vehicle or individual that is conducted following a
4 primary inspection.

5 (b) DATA COLLECTION BY LAW ENFORCEMENT OF-
6 FICIALS FOR BORDER SECURITY AND IMMIGRATION EN-
7 FORCEMENT ACTIVITIES WITHIN THE BORDER ZONE.—

8 (1) DATA COLLECTION REGARDING STOPS AND
9 SEARCHES AND ACTIVITY AT INTERIOR CHECK-
10 POINTS.—A law enforcement official who initiates a
11 patrol stop or who detains any individual beyond a
12 brief and limited inquiry, such as a primary inspec-
13 tion at a checkpoint, shall record the following:

14 (A) The date, time, and location of the
15 contact.

16 (B) The law enforcement official’s basis
17 for, or circumstances surrounding, the contact,
18 including if such individual’s perceived race or
19 ethnicity contributed to the basis for, and cir-
20 cumstances surrounding, the contact.

21 (C) The identifying characteristics of such
22 individual, including the individual’s perceived
23 race, gender, ethnicity, and approximate age.

1 (D) The duration of the stop, detention, or
2 search, whether consent was requested and ob-
3 tained for the contact, including any search.

4 (E) A description of any articulable facts
5 and behavior by the individual that justify initi-
6 ating the contact or probable cause to justify
7 any search pursuant to such contact.

8 (F) A description of any items seized dur-
9 ing such search, including contraband or
10 money, and a specification of the type of search
11 conducted.

12 (G) Whether any arrest, detention, warn-
13 ing, or citation resulted from such contact and
14 the basis for such action.

15 (H) The immigration status of the indi-
16 vidual, if obtained during the ordinary course of
17 the contact without additional questioning in
18 accordance with this section, and whether re-
19 moval proceedings were subsequently initiated
20 against the individual.

21 (I) If the contact involved an individual
22 whose primary language of communication is
23 not English, the means of communication used.

24 (J) If the contact occurred at a location
25 proximate to a place of worship or religious

1 ceremony, school or education-related place or
2 event, courthouse or other civic building pro-
3 viding services accessible to the public, hospital,
4 medical treatment, or health care facility, at a
5 public demonstration, or an attorney's office,
6 including a public defender or legal aid office.

7 (K) If the contact occurred at a location
8 described in subparagraph (J), why that loca-
9 tion was chosen and any supervisory approval
10 that was sought to carry out the contact at the
11 location.

12 (2) GAO AUDIT.—Not later than one year after
13 the enactment of this Act, the Comptroller General
14 of the United States shall conduct an audit of the
15 data compiled under paragraph (1) to determine
16 whether law enforcement officials are complying with
17 data collection requirements and submit to Congress
18 a report that contains a summary of the findings of
19 such audit.

20 (3) OPEN GAO RECOMMENDATIONS.—Not later
21 than 180 days after the date of enactment of this
22 Act, the Commissioner of U.S. Customs and Border
23 Protection shall submit to the Committee on Home-
24 land Security and the Committee on Homeland Se-
25 curity and Governmental Affairs of the Senate a

1 plan to address any open recommendations made by
2 the Comptroller General on checkpoint performance
3 and the impact of checkpoint operations on nearby
4 communities. Within 180 days after the submission
5 of the report to the Committees, the Comptroller
6 General shall issue a report to the committees evalu-
7 ating the Commissioner's plan to address the open
8 recommendations.

9 (c) ANNUAL REPORT.—

10 (1) REQUIREMENT.—Not later than one year
11 after the date of the enactment of this Act and an-
12 nually thereafter, the Secretary of Homeland Secu-
13 rity shall submit to Congress a report on the data
14 compiled under subsection (b)(1), including all such
15 data for the previous year.

16 (2) AVAILABILITY.—Each report submitted
17 under paragraph (1) shall be made available to the
18 public, except for particular data if the Secretary of
19 Homeland Security—

20 (A) explicitly invokes an exemption con-
21 tained in paragraphs (1) through (9) of section
22 552(b) of title 5, United States Code; and

23 (B) provides a written explanation for the
24 exemption's applicability.

1 (3) PRIVACY.—The Secretary of Homeland Se-
2 curity may not report unique personal identifying in-
3 formation of persons stopped, searched, or subjected
4 to a property seizure, for purposes of this section.

5 (4) PUBLICATION.—The data compiled under
6 subsection (b) shall be made available to the public
7 to the extent the release of such data is permissible
8 under Federal law.

9 **SEC. 305. AUDIT AND INSPECTIONS OF DETENTION FACILI-**
10 **TIES.**

11 (a) OIG AND GAO.—The Inspector General of the
12 Department of Homeland Security and the Comptroller
13 General shall carry out regular audits and inspections, in-
14 cluding unannounced audits and inspections, of processes
15 (including recordkeeping) utilized by U.S. Customs and
16 Border Protection to conduct intake and process individ-
17 uals apprehended by U.S. Customs and Border Protection,
18 as well as any facility operated by or for the Department
19 of Homeland Security used to detain or otherwise house
20 individuals in custody of the Department of Homeland Se-
21 curity. The Inspector General and Comptroller General
22 shall, to the extent possible, share information and coordi-
23 nate to ensure that Congress is provided timely audit and
24 inspection information.

25 (b) CONGRESSIONAL ACCESS.—

1 (1) IN GENERAL.—The Commissioner of U.S.
2 Customs and Border Protection may not—

3 (A) prevent a Member of Congress or an
4 employee of the United States House of Rep-
5 resentatives or the United States Senate des-
6 igned by such a Member for the purposes of
7 this section from entering, for the purpose of
8 conducting oversight, any such facility; and

9 (B) make any temporary modification at
10 any such facility that in any way alters what is
11 observed by a visiting member of Congress or
12 such designated employee, compared to what
13 would be observed in the absence of such modi-
14 fication.

15 (2) RULE OF CONSTRUCTION.—Nothing in this
16 subsection may be construed to require a Member of
17 Congress to provide prior notice of the intent to
18 enter such facility for the purpose of conducting
19 oversight.

20 (3) REQUIREMENT.—With respect to individ-
21 uals described in paragraph (1), the Department of
22 Homeland Security may require that a request be
23 made at least 24 hours in advance of an intent to
24 enter a facility.

1 (c) PHOTOGRAPHS.—The Inspector General of the
2 Department of Homeland Security, Comptroller General,
3 a Member of Congress, or an employee of the United
4 States House of Representatives or United States Senate
5 shall be authorized to take photographs or video or audio
6 recordings of conditions in a facility but may not publish
7 photographs or video or audio recordings with personally
8 identifiable information without permission.

